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File No. O. Payment of wages/50

K

Legal Deptt.

Ft **BRANCH**

Subject:— Opinions under the Payment of wages Act 1936

(2)

1:3

File No. O. Payment of Wages/50

Gen. 194

436-A

C O N T E N T S.

Department File No. Payment of Wages/50.

Sr.No.	R.I./D.No.	Subject	Pages
		Opinins under the Payment of Wages Act, 1936.	
1.	D.No. 5569 24-4-50	Whether deposit money or share payment which is a special category would be "payment" within sec. 7(2) of the Act.	1-2
2.	D.No. 17459 8-12-50	Question whether the Payment of bonus falls within the purview of the payment of Wages Act, 1936.	3-4

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Although the word 'payment ' must be ~~xim~~ given its ordinary plenary meaning and, therefore, includes all kinds of payments (see R.L.A.'s opinion No. 28 dated the 3rd January 1939), the scheme of sub-section (2) of section 7 shows that the payments are payments which have become due from the workmen concerned and not payments which depend upon his volition. In this particular case, it is not quite clear whether the workmen have consented to be members and from that point of view the payment of deposit money or share money would not be a payment due by them to the Co-operative Society, and would not, therefore, be liable to deduction.

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Sd/-N.N.
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U.R. to Labour & Housing Deptt. No. 5569, dated 24th April 1950.

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The view taken by S.U.S., L.& H.Department is not correct. Although bonus is a non contractual payment, still it falls within the purview of the payment of Wages Act, 1936 as the definition of wages in that Act includes "bonus" . Since the sums due to a worker on account of leave with wages are statutory and are not included in the definition of wages in the Payment of Wages Act , the prov-isions of that Act would not be available for the recovery of such sums. The judgment of the High Court in Mis. No. 64 of 1949 which deals with the recovery of bonus under the Payment of Wages Act would not therefore affect the R.L.A.'s opinion No. 13022 dated 12th September 1950, which still holds good.

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O.C. Remembrancer of Legal Affairs.

U.R. to L.& H.D.No. 17459, dated the 8th December 1950.

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